

# Exhibit A



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Entered on Docket  
December 29, 2009

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Hon. Linda B. Riegle  
10 United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

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In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING FOURTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BEAU RIVAGE  
HOMES LOAN

Hearing Date: December 18, 2009  
Hearing Time: 1:30 p.m.

Affects:

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 All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “Fourth Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based In Whole or In Part, Upon Investment in The Beau Rivage Homes  
3 Loan”, [Docket No. 7806] (the “Objection”) at its December 18, 2009 Omnibus Hearing;  
4 proper notice of the Objection having been given; no response to the Objection having  
5 been filed; and good cause appearing:

6       **IT IS HEREBY ORDERED:**

- 7       1.       The Objection is sustained;
- 8       2.       The claims listed on **Exhibit A** attached are allowed as general  
9                unsecured claims for the amount shown on Exhibit A as Unremitted  
10              Principal; and
- 11       3.       The claims listed on **Exhibit A** are disallowed to the extent they are  
12              based upon a Direct Lender investment in The Beau Rivage Homes  
13              Loan.
- 14       4.       To the extent the claims listed on Exhibit A are based upon  
15              investments in loans other than The Beau Rivage Homes Loan, this  
16              order does not affect them and the USACM Trust may file further  
17              objections.

18       PREPARED AND RESPECTFULLY SUBMITTED BY:

19       **LEWIS AND ROCA LLP**

21       By /s/ John Hinderaker (018024)

22            Rob Charles

23            John Hinderaker (*pro hac vice*)

24            Marvin Ruth

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26            Attorneys for USACM Liquidating Trust

1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  This is a Chapter 11 case. I have delivered a copy of this proposed order to all  
4 counsel who appeared at the hearing, any unrepresented parties who appeared at  
5 the hearing, and any trustee appointed in this case, and each has approved or  
6 disapproved the order, or failed to respond, as indicated below (list each party  
and whether the party has approved, disapproved, or failed to respond to the  
document):

7 U.S. Trustee: August Landis	
8 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
9 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
10 Other Party (no other parties appeared):	
11 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
12 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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14 Submitted by:

15 **LEWIS AND ROCA LLP**

16 By: /s/John Hinderaker (#018024)

17 Rob Charles

18 John Hinderaker (*pro hac vice*)

19 Marvin Ruth

20 *Attorneys for USACM Liquidating Trust*

USACM TRUST  
PAID LOAN OBJECTIONEXHIBIT A  
MULTIPLE LOAN CLAIMS  
BEAU RIVAGE HOMES/\$8,000,000

Claim	Name	Address	Total Claim Amount	Amount Related to The Beau Rivage Homes/\$8,000,000 Loan	Allowed Diverted Principal Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Beau Rivage Homes/\$8,000,000 Loan
10725-00319	Pedro L & Carol A Barroso Trust Dtd 11/29/90	Pedro Luis & Carol Ann Barroso Ttee 3231 Cambridgeshire St Las Vegas, NV 89146-6223	168,017.76	1,351.09	-	1,351.09
10725-02000	Robert L Ogren Trust Dtd 6/30/92	Robert L Orgren Ttee 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	3,783.06	2,203.03	1,580.03
10725-01036	Sierra West Inc	Po Box 8346 Incline Village, NV 89452-8346	425,583.32	1,424.76	1,136.81	287.95
10725-01955	Small Family Trust	Richard & Jacquelin Small Ttees 4801 Calle Santa Cruze Prescott Valley, AZ 86314	703,134.00	25,000.00	1,136.81	23,863.19
10725-02481	Tobias Von Euw Revocable	Trust Dated 11/23/04 C/O Tobias Von Euw Trustee Sun City Aliante 7431 Lintwhite St Las Vegas, NV 89084	1,468,967.93	1,351.09	949.31	401.78
10725-01365	Vrbancic, Richard G	103 Willow Brook Dr Ne Warren, OH 44483-4630	270,000.00	75,000.00	2,710.42	72,289.58
10725-02180	Wisch, Craig	210 Andrew Ave Naugatuck, CT 06770	317,369.28	4,593.71	3,025.11	1,568.60